



500.34 Selective Traffic Control Enforcement

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POLICY

The Hendry County Sheriff's Office will take an aggressive, pro-active approach to the enforcement of laws and ordinances governing the operation of motor vehicles.

PROCEDURE

A. Enforcement Action Levels

1. There are three general levels of enforcement action available to deputies:
 - a. Physical arrest - Physical arrests may be made for most misdemeanor and all felony criminal violations of Florida traffic laws. Criminal violations may be handled by the issuance of a Uniform Traffic Citation (UTC) requiring a mandatory court appearance.
 - b. Warnings - Warnings may be either verbal or written and will be given for a minor traffic infraction when the deputy feels a warning is sufficient.
 - c. Traffic citations - Deputies may issue Uniform Traffic Citations (UTCs) for specific violations of Florida Statutes.

B. Special Circumstances

1. Both, residents and non-residents, of Hendry County will not be afforded special consideration, and will be warned, cited, or arrested as appropriate.
2. Juveniles will be issued UTCs and handled in the same manner as adults unless the violation results in the juvenile being taken into custody. Deputies taking a juvenile into custody will follow Procedure 500.06: Juvenile Operations.
3. Congressional and legislative members, both US and State of Florida, will not be issued UTCs while en route to a session of Congress or the Legislature.
4. Foreign diplomats and consular officials will be handled in accordance with Procedure 500.58: Diplomatic Immunity.
5. Sworn personnel who stop a member of the military for a traffic violation will use the same discretion to handle the violation as they would any other citizen. When armed forces personnel are physically arrested, the arresting deputy or deputy's immediate supervisor will contact the Armed Forces Investigative Division liaison officer of the nearest military headquarters.

C. Traffic Violations

1. DUI - Deputies will apprehend those persons suspected of violating Florida Statutes 316.193 in accordance with Procedure 500.35: DUI Traffic Enforcement.
2. Driver with Suspended or Revoked License

- a. When a UTC is issued for driving while a license is suspended or revoked, deputies will notify violators that their license is suspended and they may not drive. Deputies may assist the violator in getting a licensed driver to respond to the scene.
 - b. When seizing the vehicle of a juvenile as a result of law enforcement action taken without arrest, the juvenile will not be left at the scene. A parent, guardian, or responsible adult must be contacted or the juvenile is to be transported to their residence or another safe place.
 - c. Deputies are encouraged to use discretion whether to effect a physical arrest or issue a citation for criminal traffic offenses.
- 3. Speed Violations - Deputies enforcing a speed violation will:
 - a. When using speedometers to establish probable cause to issue citations for unlawful speed, the deputy must pace the violator for an adequate distance to ensure an accurate reading prior to the stop. Speedometer calibration must be certified every six months to ensure accuracy of readings.
 - b. Be certified in radar or LASER operation prior to issuing citations using these devices.
 - c. When not certified as a radar or LASER operator, deputies may support the operation by issuing citations and listing the certified deputy who operated the devices as a witness.
- 4. Other Traffic Violations
 - a. UTCs will be issued based on lawful authority and probable cause which satisfies the elements of the specific violation being charged. Deputies enforcing hazardous and non-hazardous violations, when appropriate, may use discretion.
 - 1. Hazardous violations expose a person or property to risk, loss or damage (e.g., reckless driving, careless driving, running a red light/stop sign).
 - 2. Non-hazardous violations are those that are not likely to involve or expose persons and/or property to risk, loss, or damage.
- 5. Off-Road Vehicles
 - a. Deputies will enforce all traffic laws as they apply to off-road recreational vehicles. Written warnings or UTCs may be issued to operators who violate traffic laws.
- 6. Equipment Violations
 - a. If a UTC is issued to the operator of a non-commercial vehicle for an equipment violation, the issuing deputy shall explain the procedure that permits the operator or owner to have the vehicle inspected by a law enforcement agency, except the Florida Highway Patrol, after the repairs have been made. This will result in a reduction in the fine, per Florida Statutes 316.610.
- 7. Public Carriers/Commercial Vehicle/School Bus Violations
 - a. Public carriers, commercial vehicles, and school buses must comply with all applicable laws, rules, and regulations. Deputies may request support from the Florida Highway Patrol or Florida Commercial Carrier Compliance Division for information on enforcement or assistance with special equipment.
- 8. Multiple Violations

- a. Deputies will exercise discretion when dealing with multiple violations. Consideration should be given to issuing citations for charges encompassing multiple lesser violations (e.g., running a stop sign and improper passing may be cited as careless driving, Florida Statutes 316.1925).
- 9. Newly Enacted Laws
 - a. Newly enacted laws and regulations will be provided to deputies on a timely basis and enforcement may begin on the effective date of such laws and regulations.
- 10. Traffic Collisions
 - a. Deputies enforcing violations resulting in traffic collisions will follow procedures in Procedure 500.59: Traffic Crashes.
- 11. Bicycle - Pedestrian Violations
 - a. Violations of traffic laws committed by bicycle riders and pedestrians will be enforced in the same manner as any other traffic violation.
- D. Citizen Contact on Traffic Stops
 - 1. Deputies shall be courteous and professional when enforcing traffic laws. They shall not approach a motorist in a rude or offensive manner.
 - 2. Deputies shall use their vehicle's emergency lights and siren to stop a vehicle, unless taking part in a special traffic enforcement operation. The vehicle's emergency lights will remain on during the course of the traffic stop.
 - 3. Deputies shall present a professional image through proper dress, grooming, language, and demeanor.
 - 4. Deputies shall advise violators of their name, rank, and the reason for the traffic stop.
- E. Issuing of Uniform Traffic Citations
 - 1. UTCs will be completed and issued in accordance with instructions issued by the Department of Highway Safety and Motor Vehicles (DHSMV) and this policy. The DHSMV Uniform Traffic Citation Procedures Manual may be accessed on the Internet. At the time a violator is charged with a violation, the issuing deputy shall:
 - a. Advise violators that by signing the citations they are not admitting to guilt and that their signatures are only an acknowledgment of receiving the citation and their promise to resolve it within thirty (30) days.
 - b. Advise violators that willful refusal to sign a citation requiring a mandatory court appearance will result in an additional citation.
 - c. Advise violators, if not taken into custody, that the citation requires a mandatory court appearance and the date, time, division, and location of the court where the individual is to appear.
 - d. Advise violators of their options in resolving a citation for a violation that does not require a mandatory court appearance, to include: requesting a court appearance, pay the fine by mail or in person at the Clerk of Courts Office, or request the school option.
 - e. Advise violators of the civil fine commensurate with the charge.
 - f. Deputies will obtain the driver's fingerprint on the back of the court copy and pink copy of the citation when citing violators for not having their driver's license in possession. The right thumbprint should be obtained

when possible. Deputies will indicate on the citation the hand and finger from which the print was obtained.

- g. When violators are not arrested, all copies except the yellow copy (recipient's copy), which is given to the violator, and the pink copy (issuing deputy copy), which is the deputy's copy are forwarded to the supervisor for processing on the date written. The pink copy or equivalent, is retained by the deputy.
- h. UTCs will be delivered by the Records Section to the Hendry County Clerk's Office within five (5) days (Florida Statutes 316.650), excluding holidays and weekends (FL Rules of Traffic Court 6.350).
- i. When violators are arrested on traffic charges, the white copy (Original) will be left with the arrest affidavit at the Jail Division or Juvenile Assessment Center. The yellow copy (recipient's) will be given to the violator, and the pink/deputy's copy of the UTC and DUI citation will be retained by the issuing deputy.
- j. All citations will be legibly written and signed by the issuing deputy. The deputy's ID number and unit must be included after the signature.

2. Mobile Forms Citations process is:

- a. If the violator is arrested, a copy of the UTC goes to the violator, the jail and the agency (Records).
- b. If the violator is not arrested, a copy of the UTC goes to the violator and the agency (Records)
- c. At the end of the deputy's tour of duty, the Citation Transmittal Form must be printed out and turned into the Records Section with the copies from that tour.

UTC

F. Traffic Stop Procedures

- 1. Prior to initiating a traffic stop, deputies will contact the dispatcher via radio and advise that a vehicle is being stopped. The following information will be relayed to the dispatcher:
 - a. Location of stop
 - b. Tag number and state of origin when known
 - c. Vehicle description including make, model, color, and other descriptive information
 - d. Number of vehicle occupants and race/gender, if known
 - e. Vehicle occupants' clothing type and color, if known
 - f. Any other identifiable features of the vehicle occupants.
- 2. Deputies making stops will direct violators to a suitable stopping point where the normal traffic flow will not be impeded, if possible.
- 3. Deputies should avoid conducting traffic stops in the travel lanes of roadways.
- 4. When stopping a vehicle, deputies should use their emergency lights, siren, emergency flashers, spotlight, and public address system, in accordance with Procedure 500.28: Vehicle Operations, to get the attention of the violator and to warn other motorists.
- 5. If the violator refuses to stop after the above devices have been used, deputies will adhere to Procedure 500.29: Vehicle Apprehension Policy.

G. Use of Speed Measuring Devices

1. Electronic or mechanical devices used to measure speed will meet the following requirements:
 - a. The device must be approved for use by the DHSMV.
 - b. The device must have been calibrated once each six (6) months.
 - c. A certificate showing the device was tested within the required period and that the device was in proper working order will be maintained on file for court presentation as required.
2. The use of radar speed measuring devices require:
 - a. The operator to have successfully completed the radar training course established by the Florida Criminal Justice Standards and Training Commission.
 - b. The operator to have an independent visual determination that the violator vehicle is operating in excess of the applicable speed limit. This visual estimate must be within 5 miles per hour plus or minus of the vehicle's actual speed.
 - c. The operator to issue a citation only where conditions permit a clear assignment of speed to a single vehicle.
 - d. The device will have no automatic locking device or audio alarm unless the device is deactivated or disconnected. The device will have no locking device unless there is a third, separate window for the locked speed that does not affect the target window.
 - e. The Audio Doppler signal to be consistent with the visual estimate and the speed displayed by the radar unit.
 - f. The operator maintains a log of accuracy tests conducted in accordance with chapter 15B-2, DHSMV.
 - g. The radar unit may be used in conjunction with a certified speedometer, when operating moving radar.
 - h. The operator to follow the manufacturer's recommended methods of checking calibration.
3. The use of a LASER speed measuring device requires:
 - a. The operator to have successfully completed the 40-hour radar training course and the 16-hour LASER course established by the Florida Criminal Justice Standards and Training Commission.
 - b. The operator to have an independent visual determination that the violator is operating in excess of the applicable speed limit. This visual estimate must be within 5 miles per hour plus or minus of the vehicle's actual speed.
 - c. The operator to issue a citation only when conditions permit a clear assignment of speed to a single vehicle.
 - d. No automatic locking device or audio alarm.
 - e. The LASER will emit an audio tone or digital display readout.
 - f. The LASER devices to be approved by the DHSMV and Florida Statutes 316.1906.
 - g. The operator maintains a log of accuracy tests conducted in accordance with chapter 15B-2, DHSMV.
 - h. The LASER operator will follow the manufacturer's recommended methods of checking calibration.

H. Referral for Examination

1. When traffic enforcement activities lead to the discovery of vehicle operators who have suspected incompetency, physical or mental disability, disease, or other conditions that prevent the person from performing all the complex tasks necessary to operate a motor vehicle safely, deputies will submit a DHSMV Form 419, along with a photo copy of any citations issued to the violator, to the Bureau of Administrative Review recommending re-examination. The DHSMV Form 419 is available at any Driver's License Office.
- I. Parking Enforcement
 1. Deputies may engage in parking enforcement activities or may be dispatched to specific locations upon receipt of citizen complaints. Upon observing a parking violation, deputies should attempt to have the offending vehicle moved by the driver if the driver is present or is readily located. Deputies may also take one or more of the following actions:
 - a. Issue a county parking ordinance citation.
 - b. Issue a UTC to the driver/owner if present. A UTC can be issued for a parking violation only if it violates Florida Statute and the driver is present. The deputy must be able to identify the driver/owner for a UTC to be issued. UTCs will not be left on an unattended vehicle.
 - J. Traffic Stops with Unmarked Vehicles
 1. Deputies in unmarked vehicles prior to initiating a traffic stop will contact the dispatcher via the radio and advise them of the stop and following information:
 - a. Location
 - b. Tag number/state of origin
 - c. Vehicle description
 - d. Number of occupants
 2. Deputies will use their emergency lights and flashers. They will also use their sirens as needed.
 3. If deputies are in plain clothes they will have their badge/identification in plain view and identify themselves to the occupants of the vehicle. If the citizen requests a marked car/uniformed deputy, the deputy will call dispatch and have one respond if available.
 4. If the vehicle's driver refuses to stop, the deputy in the unmarked vehicle should not pursue it. If a marked vehicle is in the area, it should assist the deputy.

DEFINITIONS

DHSMV – Department of Highway Safety and Motor Vehicles, the State agency responsible for the licensing of all drivers within the State.

DUI – Driving under the influence of alcoholic beverages or chemical substances as defined by Florida Statutes 316.193 (1)(a)(b).

DWLS – Driving a motor vehicle while operator's drivers license is suspended or revoked.

LASER – Light Amplification by Stimulated Emission of Radiation, any state certified measured reflected light device or system, used to detect the speed of vehicles.

RADAR – Law enforcement speed measuring device; any microwave-based speed measurement system used to detect the speed of vehicles.

RADAR AUDIO ALARM - An auxiliary radar device that alerts the operator, by means of an audible tone, to the presence of a detected speed that is above a preset level.

RADAR AUDIO DOPPLER - An audible signal that translates the radar's Doppler shift into a tone that can be heard by the operator.

RADAR AUTOMATIC LOCKING DEVICE - Auxiliary radar device that immediately holds any speed-reading obtained that is above a reset level.

UTC – Florida Uniform Traffic Citation form used for the issuance of traffic citations to traffic violators.

REFERENCES

State/Federal Regulations:

- DHSMV Uniform Traffic Citation Procedures Manual

- Florida Rules of Traffic Court

- Florida Statutes 316.1906

- Florida Statutes 316.1925

- Florida Statutes 316.193

- Florida Statutes 316.610

- Florida Statutes 316.650

CFA:

- CFA Standards 2.02, 18.01 and 18.02M

Forms:

- None

Other Policy/ Procedure References:

- 500.06 Juvenile Operations

- 500.28: Vehicle Operations

- 500.29: Vehicle Apprehension Policy

- 500.58 Diplomatic Immunity

- 500.59 Traffic Crashes